

Break the Glass Exception statutory or regulatory language

Except as otherwise permitted in subsection (A) of this section and _____, the protected health information of an individual who has exercised the right to opt out may not be disclosed through the ILHIE.

(A) Exceptions

(1) The protected health information of an individual who has exercised the right to opt out may be disclosed through the ILHIE in order to facilitate the provision of emergency medical treatment to the individual if all of the following criteria are met:

(a) The reasonably apparent circumstances indicate to the treating health care provider that (i) the individual has an emergency medical condition, (ii) a meaningful discussion with the individual about whether to rescind a previous decision to opt out is impractical due to the nature of the individual's emergency medical condition, and (iii) information available through the ILHIE could assist in the diagnosis or treatment of the individual's emergency medical condition.

(b) The disclosure through the ILHIE is limited to ILHIE participants that are providing diagnosis and treatment of the individual's emergency medical condition.

(c) The circumstances and extent of the disclosure through the ILHIE is recorded electronically in a manner that permits the ILHIE or its designee or business associate to periodically audit compliance with this subsection.

1. Exceptions From Consent Requirement:

(a) No authorization for release or transfer of confidential health information to, from or through the ILHIE shall be required in the following situations:

(1) To a health care provider who believes, in good faith, that the information is necessary for diagnosis or treatment of that individual in an emergency; or

(2) To public health authorities in order to carry out their functions as described in...